

875—218.601(91D) Special provision for motion picture producing industry. Under rule 218.6(91D), the requirement that the employee be paid “on a salary basis” does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$500 a week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under rule 218.1(91D), 218.2(91D) or 218.3(91D) and who is employed at a base rate of at least \$500 a week is exempt if the employee is paid at least pro rata (based on a week of not more than six days) for any week when the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:

218.601(1) The employee is in a job category for which a weekly base rate is not provided and the employee’s daily base rate would yield at least \$500 if six days were worked; or

218.601(2) The employee is in a job category having a weekly base rate of at least \$500 and the employee’s daily base rate is at least one-sixth of such weekly base rate.

SOURCE: 29 CFR 541.601.